

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 853 OF 2004**

Chandrashekhar Shivmurat Singh ...Petitioner
V/s.
State of Maharashtra & Ors. ...Respondent

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Mr. Ganesh Gole, Adv. for the petitioner
Mr. D.S. Mhaispurkar, A.P.P. for the State.
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**CORAM: H.L. GOKHALE AND
SMT. V.K. TAHILRAMANI, JJ.
DATE : 10TH AUGUST, 2004**

P.C..

1. Heard Mr. Gole for the petitioner. Mr. Mhaispurkar, A.P.P. appears for the respondents.

2. This petition is filed by the brother of one Sahilender Singh who died on 9.4.2004 at about 2.30 a.m.. He was sitting as a pillion rider behind one Rishikesh Pandey on motor-cycle and has fallen from that motor-cycle. The case of the petitioner is that the motor-cycle was given a dash from back side and later on has been over run by one Tata-Sumo by two persons i.e. Omprakash Tiwari and Ramakant Pandey. The petition has been filed apprehending that the investigating agency is going improperly. One affidavit in reply was filed earlier on 11.6.2004. Second affidavit was also filed with complete set of papers containing the photo copies of the action papers. From these papers it is seen that right from 9.4.2004 the police are looking in the matter and that process

has been continuing and last record is of 31.7.2004.

3. As far as the case made out by the petitioner is concerned, the police are looking into that and they have not arrived at a final conclusion. Mr. Mhaispurkar, the learned A.P.P. states that two persons in the present case have been granted anticipatory bail and the police have received authorisation from the State Government to move for cancellation of the said bails. It is for the prosecution to take appropriate decisions. We are presently satisfied that by and large the steps taken by the concerned police authorities are appropriate. We do not think that at this stage we should interfere and direct anything to the concerned police. We accept the steps taken by the police. They should see to it that whoever are the accused should be brought to book, but at the same time the innocent are not prosecuted.

4. With the above observations, this petition is disposed of.

5. The learned A.P.P. Mr. Mhaispurkar is at liberty to collect the photo copies of the action papers filed by the respondents.

6. Parties be supplied copies of this order duly

authenticated by the Sheristedar of this Court.